

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
BRUNSWICK DIVISION

JONATHAN HERNANDEZ,

Plaintiff,

v.

JAMES BRADFORD THOMAS and  
MARTEN TRANSPORT, LTD.,

Defendants.

CIVIL ACTION FILE NO.:

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**DEFENDANTS' NOTICE OF REMOVAL**

COME NOW Defendants JAMES BRADFORD THOMAS and MARTEN TRANSPORT, LTD., by and through counsel, and, without waiving any defenses as to process, service of process, jurisdiction or proper party, file this Notice of Removal as follows:

**Complete Diversity Jurisdiction Exists**

1.

Plaintiff JONATHAN HERNANDEZ (hereinafter "Plaintiff") filed a civil action against Defendants in the Superior Court of Glynn County, State of Georgia, Civil Action File No. CE22-00590 on June 2, 2022. A copy of the Complaint and all pleadings filed in the Superior Court action are attached hereto as Exhibit "A".

2.

Upon information and belief, Plaintiff is a citizen of the State of Georgia. (See Complaint, Ex. “A” at ¶ 1).

3.

At the time of the filing of the Complaint, Defendant James Bradford Thomas was and currently is a citizen and resident of the State of South Carolina residing at 216 Summerhill Drive, Columbia, SC 29203. (See Complaint, Ex. “A” at ¶ 2).

4.

Defendant Marten Transport, Ltd. is a corporation organized under the laws of the State of Delaware with its principal place of business located in the State of Wisconsin, as shown by the entity’s corporate entry with the Georgia Secretary of State, a copy of which is attached as Exhibit “B”. Defendant Marten Transport, Ltd.’s citizenship is therefore established in the States of Delaware and Wisconsin for diversity of citizenship purposes. See 28 U.S.C. § 1332 (c) (providing that a corporation is deemed to be a citizen of every state in which it was incorporated, as well as the state in which it maintains its principal place of business). (See Complaint, Ex. “A” at ¶ 3).

5.

Complete diversity of citizenship exists between Plaintiff and the Defendants

for purposes of 28 U.S.C. § 1332 (c) (1).

**Removal is Timely**

6.

With respect to removal on the basis of diversity jurisdiction, this removal is timely because it has been filed within thirty (30) days of Defendant Marten Transport, Ltd.’s receipt of service papers on June 9, 2022. This Notice of Removal is also timely because it is filed within thirty (30) days after receipt by a Defendant of a copy of the initial pleading setting forth the claim upon which this action is based. 28 U.S.C. § 1446 (b). The parties being fully diverse, this Court has jurisdiction pursuant to 28 U.S.C. § 1332 (a)(1).

**The Amount in Controversy Exceeds \$75,000.00**

7.

In his Complaint, Plaintiff claims he “has suffered significant injuries, medical expenses and damages” as a result of the collision, “in excess of \$25,000.00 in past medical expenses,” without specifying a dollar figure as to his damages. However, Plaintiff has also provided medical bills documenting more than \$2,000,000 in alleged special damages via his pre-suit demand letter of March 7, 2022, (Ex. “C”, attached), in which he also demanded Marten’s full policy limits,

which are in excess of \$1,000,000.<sup>1</sup> As reflected in Ex. “C”, Plaintiff’s demand is well above \$75,000 exclusive of interests and costs. Accordingly, this Court’s jurisdictional amount-in-controversy threshold of \$75,000 has been satisfied.

8.

Defendants hereby give notice within thirty (30) days after service and receipt by Defendants of a copy of the Complaint filed in the Superior Court of Glynn County, State of Georgia, pursuant to 28 U.S.C. § 1446 and Rule 11 of the Federal Rules of Civil Procedure, of the removal of this action to this Court.

9.

Defendants have simultaneously filed a Notice of Filing Removal in the Superior Court of Glynn County, State of Georgia. A copy of the Notice of Filing Removal, exclusive of exhibits, being filed with the Superior Court of Glynn County is attached hereto as Exhibit “D.”

10.

Good and sufficient defenses to Plaintiff’s claims exist. *See* Defendants’ Answer and Defenses, filed as Exhibit “E” herewith.

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<sup>1</sup> This case involves a tractor-trailer versus pedestrian impact in which Plaintiff allegedly suffered thoracic “de-gloving” injuries (meaning most of his skin was removed from his torso), resulting in medical care of a very intensive nature.

11.

No previous application for the relief sought herein has been made to this or any other Court.

WHEREFORE, it is hereby requested that this Court grant the removal of this case to the United States District Court for the Southern District of Georgia, in which district this suit is pending.

Respectfully submitted this 8<sup>th</sup> day of July 2022.

McMICKLE, KUREY & BRANCH, LLP

/s/ Michael P. Johnson

MICHAEL P. JOHNSON

Georgia Bar No. 395055

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**CERTIFICATE OF COMPLIANCE**

The undersigned hereby certifies that the foregoing pleading complies with the font and point selections approved by the Court in Local Rule 5.1C. This brief has been prepared in Times New Roman font, 14 point.

/s/ Michael P. Johnson  
MICHAEL P. JOHNSON  
For the Firm

**CERTIFICATE OF SERVICE**

I hereby certify that on this day I electronically filed **DEFENDANTS'**  
**NOTICE OF REMOVAL** with the Clerk of Court using the CM/ECF system which  
will automatically send email notification of such filing to the following attorneys  
of record:

Jeffrey J. Humphries  
Morgan & Morgan  
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Jacksonville, FL 32202  
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*Attorney for Plaintiff*

This 8<sup>th</sup> day of July 2022.

/s/ Michael P. Johnson  
MICHAEL P. JOHNSON  
For the Firm